

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC. CIVIL APPLN.(CONTEMPT PETITION) No 176 of 1993

in

SPECIAL CIVIL APPLICATION No 2117 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI and
MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE VOLUNTARY & LOCAL BODIES EMPLOYEES FAMILY

Versus

HANSABEN B. ZAVERI PRESIDENT AND/OR HER SUCCESSOR

Appearance:

MR PC MASTER for Petitioners
RULE SERVED for Respondent No. 1
MR SHIRISH JOSHI for Respondent No. 2
MR MR VM PANCHOLI AGP assisted by MR HC PATEL,
SOLICITOR for Respondent No. 4

CORAM : MR.JUSTICE R.K.ABICHANDANI and
MR.JUSTICE D.H.WAGHELA

Date of decision: 23/09/1999

ORAL JUDGEMENT(Per: R.K. Abichandani, J.)

1. The grievance of the petitioners is that the respondent nos. 1, 2 and 3 have flouted orders of this Court passed on 27th March, 1989, ordering status quo regarding service conditions of the six employees mentioned in the Schedule. According to the petitioners, in view of this status quo regarding service conditions of the petitioners, their services could not have been terminated. An affidavit-in-reply has been filed by these respondents in which it has been stated that the State Government by its order dated 12th May, 1992 notified that the Central Government had by its telegram dated 31st October, 1992 directed closure of those centres which had not been able to achieve 50% of the goal. The State Government thereafter by their letter dated 16th April, 1992 permitted the centres who had not achieved 50% of the target to be closed. The Mahila Mandal in question was much below the target having shown an output of mere 15.31% as is clear from the order at Annexure I to the affidavit-in-reply. In view of that order, all those centres whose output was less than 50% were required to be closed down and to be denied any grant which was given for the purpose. Therefore, due to closure of those centres which was done because of non-availability of the grant as a result of the decision to stop it in respect of the institutions which did not achieve the minimum norms prescribed, there was no question of continuing the employment of the petitioners. Status quo which was granted was in respect of the service conditions and it would not amount to saying that the centre should be run despite the closure which was warranted due to non-payment of grant since it did not achieve minimum output of work. It was sought to be contended in the affidavit-in-rejoinder that on 1st December, 1992, the centres which were closed down were required to be reopened but it is stated before us by the learned AGP that so far the present respondent-institution is concerned, they had never applied for the grant for the purpose of restarting their family planning centres. It is thus clear that there has not been any wilful disobedience of the orders of this Court. The observations which we have made in this order are strictly confined to the dismissal of this application for taking action under the Contempt of Courts Act and will have no bearing on the application which is pending in the main petition for wages or on the petition itself. This application is accordingly disposed off. Rule is discharged with no order as to costs.

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